IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 9858 of 2004

Between:

Mekala Chinna Anjaiah, S/o. Mekala Ankalappa,
Uruvakili, Near Patappakatta, Old Guntakal Village, Anantapur District.

..... PETITIONER

AND

1 The Assistant Commissioner of Endowment, Anantapur.
2 Sri Kondandarama Swamy Temple, Guntakal, Anantapur District,
rep by its Executive Officer, Group Templex, Guntakal.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order more particularly one in the nature of writ of Mandamus declaring the action of the respondents in issuing the Auction Notice of the lands in Sy.No. 674 and 675-B an extent of Ac.10-45 cents of the lands of Sri Kodanda Ramaswamy Devasthanam, Gunthakal, which are in the possession of the petitioner as cultivating tenant is illegal, arbitrary and violative of principles of natural justice.

Counsel for the Petitioner:MR.MANJUNATH ALLUR

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court made the following Order:

This writ petition is filed by the petitioner aggrieved by the action of the second respondent in proposing to conduct public auction of the land to an extent of Acs.10-45 cents in Survey Nos.674 and 675-B belongs to the second respondent temple for leasing out the same.

According to the petitioner, he is the tenant of the above said land since long time. Further, he is entitled for the benefits under Section 82(2) of the A.P. Charitable and Hindu Religious Institutions and Endowments Act read with G.O.Ms.No.379. Unless and until such adjudication is made, the respondent authorities are not entitled to evict the petitioner as well as to auction the leasehold rights for the subsequent periods. However, at the time of hearing, the learned Counsel appearing for the second respondent represented that auction has already been conducted on 08-06-2004 as scheduled and highest bid was for Rs.26,300/- per annum and it was leased out for a period of three years in favour of the highest bidder and the highest bidder has also deposited the amount and took possession in pursuance of the auction. Therefore, the learned Counsel submitted that this writ petition has become infructuous.

Heard both sides.

In view of the above stated facts, as the auction has already been held and the petitioner was already dispossessed, nothing survives in this writ petition to adjudicate upon.

The writ petition is accordingly dismissed as infructuous. No costs.

(S.ANANDA REDDY, J)

25th JUNE, 2004.

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To

1 The Assistant Commissioner of Endowment, Anantapur.
2 Sri Kondandarama Swamy Temple, Guntakal, Anantapur District, rep by its Executive Officer, Group Templex, Guntakal.
3. Two CCs to the Government Pleader for Endowments, High Court Buildings, A.P., Hyderabad. (OUT).
4. Two CD copies.